

1 TRAPANI

2 A. Doors opened by itself.

3 Q. Automatic doors?

4 A. Yes.

5 Q. Would there be any other  
6 entrances for the public to enter that  
7 store?

8 A. No.

9 Q. What about entrances for  
10 employees, separate entrance?

11 A. No, we all came through the  
12 same one.

13 Q. The store, I'm just going to ask  
14 you to describe the layout back in December  
15 of '06, you are familiar with the layout?

16 A. Yes.

17 Q. When you walk in, is there a  
18 store room, in other words, for merchandise,  
19 other areas just for personnel, how you  
20 would you describe it?

21 A. The showroom is where the  
22 customers would be.

23 Q. Do you know how big of a  
24 showroom it was?

25 A. No.

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2 Q. Would that encompass the whole  
3 store, would you say the middle of the  
4 store?

5 A. Yes, I would say.

6 Q. When you walk in, when you came  
7 through the front entrance, what was to the  
8 right as you walked in?

9 A. Customer service.

10 Q. Was that like a desk or kiosk?

11 A. It was a long table with  
12 registers.

13 Q. Do you recall how many  
14 registers, more than one?

15 A. Yes.

16 Q. To the right of that was there  
17 anything, in other words, is the store  
18 showroom, is it rectangular, square, some  
19 other shape?

20 A. It looks like round, oval.

21 Q. Is there anything behind the  
22 customer service to the right?

23 A. My office.

24 Q. Your office?

25 A. Yes.

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2 Q. Any other offices to the right?

3 A. Loss prevention.

4 Q. Is there, on a daily basis, is  
5 there somebody from the loss prevention unit  
6 at that store?

7 A. Generally.

8 Q. Do you recall that day if there  
9 was somebody there?

10 A. There was.

11 Q. What was the name of that  
12 person?

13 A. Daniel. I don't remember his  
14 last name.

15 Q. Do you know if Daniel is still  
16 employed by Circuit City?

17 A. He is not.

18 Q. Do you know what his position  
19 was?

20 A. Loss prevention.

21 Q. Were there any other offices to  
22 the right?

23 A. Yes.

24 Q. Whose offices?

25 A. The store manager, the general

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2 office, and the cash office.

3 Q. Who was the store manager on the  
4 date of the incident, if you recall?

5 A. I believe it was Mike Spell.

6 Q. Do you recall if he was there  
7 that day?

8 A. I would say he would have to be  
9 because it was the holidays.

10 MR. WHITTON: Do you recall  
11 either way?

12 THE WITNESS: I couldn't be a  
13 hundred percent.

14 Q. Those offices, I would assume,  
15 were on the outside of the showroom?

16 A. Yes.

17 Q. In other words, own separate  
18 office you have to open a separate door to  
19 get into?

20 A. Yes.

21 Q. The public couldn't get into?

22 A. No.

23 Q. Other than the front where you  
24 said there is customer service, are there  
25 other areas of the store where the customer

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2 service or cashier were?

3 A. On the floor.

4 Q. All over the floor?

5 A. Yes.

6 Q. Is there any designation of  
7 where they are, in other words, such as  
8 numbered aisles?

9 A. No, it would be in departments.

10 Q. There were many departments?

11 A. Yes.

12 Q. All electronics?

13 A. Yes.

14 Q. Was there any other customer  
15 service area such as a long table maybe in  
16 the back of the store?

17 A. No.

18 Q. Were there any of those customer  
19 service, how would you describe them, each  
20 department had them, had like a cashier?

21 A. Register, yes.

22 Q. How many different departments  
23 were there?

24 A. Probably six.

25 Q. Do you recall which one like the

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2 name of them or where they were located in  
3 the store?

4 A. There was technology, which was  
5 computers.

6 Q. Where would that be?

7 A. That would be toward the back of  
8 the store.

9 Q. Other than computers?

10 A. Imaging, which would be cameras.

11 Q. Where would they be?

12 A. That would be in front of them.

13 Q. In front of the computers?

14 A. Yes.

15 Q. Would that be toward the middle  
16 of the store? I'm basing it on coming  
17 through the front entrance.

18 A. It would be to the right.

19 Q. Camera would be to the right?

20 A. Yes.

21 Q. Computers would also be to the  
22 right, but to the back?

23 A. Sort of in the back.

24 Q. Each one of those sections had  
25 its own registers?

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2 A. Yes.

3 Q. What about the others, where  
4 would the other ones be?

5 A. Road shop.

6 Q. Where would that be?

7 A. Toward the front of the store.

8 Q. Right, left, middle?

9 A. To the left of where you walk  
10 in.

11 Q. What would that include, things  
12 for the car?

13 A. Yes.

14 Q. Was there a TV section?

15 A. TV section.

16 Q. Where would that be?

17 A. Alongside the walls.

18 Q. On what side?

19 A. If you come in I believe it was  
20 on the left side and toward the parameter.

21 Q. Around the showroom?

22 A. It would be around the showroom,  
23 yes.

24 Q. Any other sections that you  
25 recall?

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2 A. It would be called Merc, that  
3 would be the middle area.

4 Q. Merc is general merchandise?

5 A. Yes.

6 Q. Each one would have their own  
7 register?

8 A. Correct.

9 Q. Each one would have customer  
10 service?

11 A. No.

12 Q. Customer service would be in the  
13 front?

14 A. Correct.

15 Q. Do you recall what day of the  
16 week this incident occurred on?

17 A. No.

18 Q. If I indicated to you it  
19 happened on a Thursday, would that refresh  
20 your recollection?

21 A. No.

22 Q. Do you recall if it was a  
23 weekday as opposed to weekend?

24 A. No.

25 Q. Do you recall about what time



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2 the incident occurred?

3 A. No.

4 Q. Would I refresh your  
5 recollection if I said it happened in the  
6 afternoon?

7 A. No.

8 Q. Do you recall how many employees  
9 from Circuit City were actually working on  
10 that day?

11 A. No.

12 Q. Would there be a master list  
13 that Circuit City would have to indicate who  
14 was working that day?

15 A. Yes.

16 Q. Who would keep that, would that  
17 be the store manager or somebody else?

18 A. That would be the operations  
19 manager.

20 Q. Do you recall if there was  
21 security personnel working on the date of  
22 the incident?

23 A. Yes.

24 Q. Security personnel hired by  
25 Circuit City?

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2 A. Yes.

3 Q. Are they Circuit City employees?

4 A. No.

5 Q. Do you know what company or  
6 companies they are employees of?

7 A. No.

8 Q. Do you know who would know that,  
9 would that be the store manager or someone  
10 else?

11 A. That would be Circuit City.

12 Q. Were there any employees of  
13 Circuit City that would act in a security  
14 capacity on the day of the incident?

15 MR. WHITTON: Objection to the  
16 form.

17 A. You mean loss prevention?

18 Q. Loss prevention, were there any  
19 employees that worked in that department  
20 other than the manager?

21 A. In what department?

22 Q. Like the loss prevention what  
23 did they do specifically?

24 A. They would observe customers in  
25 the store, and they were there primarily to

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2 protect the associate.

3 Q. Anything else?

4 A. And the merchandise.

5 Q. The loss prevention personnel,  
6 are they employees of Circuit City?

7 A. Yes.

8 Q. On that day, do you recall if  
9 there were any loss prevention personnel in  
10 the store?

11 A. Daniel.

12 Q. What was his last name again?

13 A. I don't know.

14 Q. Were there any other loss  
15 prevention employees at that store?

16 A. Not that I can remember.

17 Q. Did he wear some type of uniform  
18 that was different than the regular  
19 employee?

20 A. Regular clothes.

21 Q. Did the Circuit City personnel  
22 have a specific uniform to wear?

23 A. Yes.

24 Q. If you could just briefly  
25 describe what that outfit would be?

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2 A. It would be black pants, khaki  
3 pants and I believe at that time they were  
4 wearing red shirts.

5 Q. Did they also have name tags?

6 A. Yes.

7 Q. Did you also have to wear that  
8 uniform?

9 A. I can't remember if the manager  
10 had to wear that one or we had a specific  
11 one.

12 Q. You indicated Daniel didn't have  
13 to wear that outfit either.

14 A. No.

15 Q. He didn't have any other special  
16 uniform to wear?

17 A. No.

18 Q. Was there surveillance cameras  
19 in that store?

20 A. Yes.

21 Q. Was Daniel in the office like  
22 was his job looking at like film or would he  
23 walk around, what would he do, if you know?

24 MR. WHITTON: Objection to the  
25 form. If you know.

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2 A. Both.

3 Q. Were there any security  
4 personnel at that store on the day of the  
5 accident other than Daniel?

6 MR. WHITTON: Note my  
7 objection. You can answer. I think  
8 you are mischaracterizing the witness'  
9 testimony. Off the record.

10 (At this time, there was a  
11 discussion held off the record.)

12 Q. Is there a, or was there a  
13 difference between loss prevention and  
14 security personnel?

15 A. Yes.

16 Q. There was security personnel  
17 present on the date of the incident?

18 A. Yes.

19 Q. Those personnel were not  
20 employees of Circuit City, to your  
21 knowledge?

22 A. They were contracted out.

23 Q. You don't know with which  
24 entity?

25 A. No.

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2 Q. Did Circuit City have a contract  
3 with the security personnel to be there on  
4 the day of the accident?

5 A. Yes.

6 Q. To your knowledge, was this  
7 security personnel company there for a  
8 period of time prior to the date that this  
9 incident occurred?

10 A. I'm not sure what you are  
11 asking.

12 Q. In other words, the contract it  
13 wasn't just for that day, it was an ongoing  
14 contract?

15 A. Correct.

16 Q. Do you know if it was for one  
17 entity or more than one entity, the security  
18 personnel?

19 A. I don't understand.

20 Q. Did the security personnel all  
21 come from one company?

22 A. Yes.

23 Q. Security personnel, did they  
24 have a special uniform they would wear?

25 A. Yes.

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2 Q. If you could briefly describe  
3 for me the outfit they would wear?

4 A. They had to have the logo of the  
5 company.

6 Q. Circuit City?

7 A. No.

8 Q. Their company?

9 A. Their company or a jacket that  
10 had their logo on it from their company.

11 Q. To your knowledge, security  
12 personnel, did they carry any weapons?

13 A. Yes.

14 Q. Gun?

15 A. Always a gun.

16 Q. Did they have radio with them,  
17 to your knowledge?

18 A. No.

19 Q. Walkie-talkie?

20 A. No.

21 Q. Did they have anything to  
22 communicate with other security in the  
23 store?

24 MR. WHITTON: With other  
25 security personnel?

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2 Q. With other security personnel or  
3 Circuit City personnel. Maybe they didn't  
4 have a walkie-talkie or radio, maybe it is a  
5 Blue Tooth I'm asking if they had something?

6 MR. WHITTON: To communicate  
7 with anybody?

8 Q. Yes.

9 A. I don't recall if they had  
10 anything at that time.

11 Q. Do you know how many security  
12 personnel were present on the date this  
13 incident occurred?

14 A. One.

15 Q. One?

16 A. Yes.

17 Q. Do you remember that person's  
18 name?

19 A. Frankie Changiy.

20 Q. Do you know if Mr. Changiy is  
21 still at that location and as a security  
22 person in many locations at Circuit City?

23 A. Yes.

24 Q. He still does that, to your  
25 knowledge?



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2 A. Yes, he does.

3 Q. Was there a specific area of the  
4 store that he was always assigned to or  
5 would he roam?

6 A. He would be at the front door.

7 Q. What was his job description, if  
8 you know? In other words, was he just there  
9 or did he actively do things, check  
10 packages, receipts?

11 A. He would check packages and  
12 check receipts.

13 Q. Common practice, if I was a  
14 customer and went in and I purchased  
15 something back in December of '06, on the  
16 way out would somebody always check the  
17 receipt or check my bag?

18 A. Most times.

19 Q. On the date this incident  
20 occurred, was the store crowded?

21 A. Yes.

22 Q. Was there any reason that it was  
23 crowded?

24 A. Holidays.

25 Q. Holiday season?

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2 A. Yes.

3 Q. Did Circuit City have more  
4 personnel working that day simply because it  
5 was the Christmas season?

6 A. Yes.

7 Q. I know I asked you this before.  
8 Do you know how many employees of Circuit  
9 City were actually working at the time this  
10 incident occurred?

11 A. No.

12 Q. Would it be fair to say more  
13 than ten?

14 A. Yes.

15 Q. Would it be fair to say more  
16 than 20?

17 A. Probably.

18 Q. Would it be fair to say more  
19 than 30?

20 A. Depends on what time.

21 Q. What about the afternoon?

22 A. I'm not quite sure.

23 Q. When is the first you learned of  
24 an incident that occurred on December 28,  
25 2006?

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2 MR. WHITTON: Note my objection.

3 Q. The incident we are talking  
4 about here involves an alleged incident  
5 involving an Anna Thomas that was an alleged  
6 incident that occurred in that store on  
7 December 28, 2006. Do you know the name  
8 Anna Thomas, you ever hear that name before?

9 A. Just this morning.

10 Q. Do you recall any incident that  
11 occurred back on December 28, 2006?

12 A. Yes.

13 Q. How did you learn of that  
14 incident, did you actually see it or did  
15 somebody tell you about it?

16 A. I saw it.

17 Q. Where were you when you first  
18 observed it? We will take it step by step.  
19 Where were you in the store when you saw  
20 what was going on?

21 A. I was towards the front of the  
22 store.

23 Q. Were you near the customer  
24 service area?

25 A. Yes.

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2 Q. What were you doing?

3 A. Directing lines.

4 Q. Directing customer lines?

5 A. Yes.

6 Q. That was the front right of the  
7 store?

8 A. Correct.

9 Q. Did you hear something, or see  
10 something first?

11 A. Neither one.

12 Q. So tell me what the first  
13 recollection you have of some kind of  
14 incident occurring?

15 A. I had someone from Circuit City  
16 come to me and tell me that Daniel wanted me  
17 to go in the office.

18 Q. Do you recall who, which  
19 employee came to you?

20 A. No.

21 Q. Was there a reason why Daniel  
22 wanted you to go to the office or you just  
23 went to office?

24 A. Most only time I would have gone  
25 there if they would have gotten a shoplifter

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2 who was a female.

3 Q. What if a shoplifter was a man?

4 A. I wouldn't have to be there, no.

5 Q. Which office were you summoned  
6 to, your office, Daniel's office, some other  
7 office?

8 A. Daniel's office.

9 Q. Did you go to Daniel's office  
10 immediately?

11 A. Yes.

12 Q. Did that employee from Circuit  
13 City also accompany you there?

14 A. No.

15 Q. When you went to Daniel's office  
16 what, if anything, happened?

17 A. There was a young lady and  
18 Frankie.

19 Q. And Daniel?

20 A. Yes.

21 Q. They were all in Daniel's  
22 office?

23 A. Yes.

24 Q. Then when you walked in, was  
25 something told to you or did you hear a